

REMARKS

The present application includes pending claims 1-33, all of which have been rejected. By this Amendment, claims 1, 13, 20, and 26 have been amended.

Claims 1-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0016971 ("Berezowski") in view of U.S. 6,774,926 ("Ellis"), U.S. 2004/0125789 ("Parker") and U.S. 7,321,969 ("Schoen"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

The Applicants respectfully submit that the claim rejections are moot in view of the claim amendments. Claim 1 has been amended to recite, in part, "a graphical user interface, at the first home, having at least one view comprising a graphical representation of at least one user defined media channel for the communication of media comprising audio and/or video, the at least one user defined media channel comprising a graphical representation of a user selected and scheduled sequence of media content comprising audio and/or video, the graphical user interface operable to allow a user to immediately establish and/or to schedule automatic establishment of one or more streaming media sessions; ... first software that maintains a user defined group of users comprising the first and second users, wherein the user defined group of users is closed and secure with respect to others that are not members of the user defined group of users, wherein a member within the user defined group of users can privately share media content comprising audio and/or video with one or more other members within the user defined group of users, wherein the first software receives a request identifying one of the associated first and second network addresses, and responds by identifying the other of the associated first and second network addresses to support transmission of the media content comprising audio and/or video from the at least one first media peripheral to the second television display for consumption in a

real time manner; and second software resident in a first memory at the first home configured to enable a user at the first home to construct, at the first home, the at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to other members within the user defined group of users that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home.” Independent claims 12 and 26 recite similar limitations.

The Applicants respectfully submit that none of the cited references, alone or in combination with one another, describes, teaches or suggest such a user interface in combination with the first and second software. Thus, the Applicants respectfully submit that the proposed combination of references does not render claims 1, 12, 26 or the claims that depend therefrom unpatentable.

Independent claim 20 recites, in part, “constructing, at the first location, one or more media channels from user selected and scheduled media content; communicating in a peer-to-peer manner the one or more media channels from the first location to the second location, via a closed and secure communication.” The Applicants respectfully submit that the proposed combination of references does not describe, teach or suggest these limitations. Thus, the proposed combination does not render claim 20 or the claims that depend therefrom unpatentable.

In general, the Office Action makes various statements regarding claims 1-33 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (*e.g.*, if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, **including the \$810 fee for the RCE and the \$1,110 fee for the 3-month extension**, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: December 8, 2009

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100